

(ATTACHMENT 1)

Other Orders/Judgments

1:05-cv-00147-SJM-SPB BAKER v. UNITED STATES, et al

U.S. District Court

Western District of Pennsylvania

Notice of Electronic Filing

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Case Name: BAKER v. UNITED STATES, et al

Case Number: 1:05-cv-147

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WARNING: CASE CLOSED on 07/12/2005

Document Number: 5

Docket Text:

ORDER adopting Report and Recommendation [2]. Clerk is to mark CASE CLOSED. Signed by Judge Sean J. McLaughlin on 7/12/2005. (rlh)

The following document(s) are associated with this transaction:

Document description: Main Document

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[STAMP_dcecfStamp_ID=1098469114 [Date=7/12/2005] [FileNumber=11177-0]
[5a9e15f25bd6c1826517316c50135b22da2f5cc1c7dd58ebf5d7a6060cdb9fe031145
cc5b4bcebcf3caa65ca54e12c4ff82f2ff60e96a3ff1423fc072ce4d06b]]

1:05-cv-147 Notice will be electronically mailed to:

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DARRYL ORRIN BAKER
19613-039
FCI Lisbon
P.O. Box 10
Lisbon, OH 44432-0010

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
SEAN J. McLAUGHLIN

JUDGE

U.S. COURTHOUSE, ROOM A250
17 SOUTH PARK ROW

ERIE, PA 16501

~~CONFIDENTIAL~~

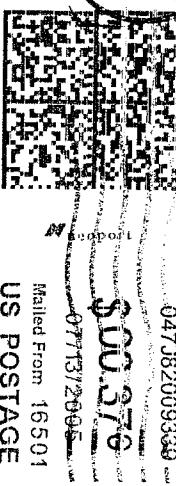
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07/13/2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARRYL ORRIN BAKER, Plaintiff,
v.
UNITED STATES OF AMERICA, et al., Defendants.)
)
)
)
)
C.A. No. 05-147 Erie
District Judge McLaughlin
Magistrate Judge Baxter

ORDER

On May 16, 2005, Plaintiff, a federal prisoner appearing *pro se*, filed the instant civil rights action. This matter was assigned to United States District Judge Sean J. McLaughlin and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

By Order dated May 20, 2005, Plaintiff was directed to either pay the filing fee or file a motion for leave to proceed in forma pauperis before May 31, 2005. Plaintiff failed to comply. Document # 1.

On June 2, 2005, Magistrate Judge Baxter issued a Report and Recommendation recommending that this case be dismissed due to Plaintiff's failure to prosecute in that he had not paid the filing fee or filed a motion for leave to proceed in forma pauperis. Document # 2.

On June 17, 2005, Plaintiff filed Objections to the Report and Recommendation arguing that the case should not be dismissed because he had paid the filing fee. Document # 3. By Order dated June 27, 2005, Magistrate Judge Baxter issued an Order explaining that Plaintiff had paid the filing fee in another case (Civil Action Number 05-146E), that he must pay the filing fee or file a motion for leave to proceed in forma pauperis in the above-captioned case.

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(Civil Action Number 05-147E), and this his failure to comply before July 11, 2005, would result in the dismissal of this action as outlined in the Report and Recommendation of June 2, 2005. Document #4. To date, Plaintiff has not complied.

AND NOW, this 12th day of July, 2005;

Following a *de novo* review of the record in this case, IT IS HEREBY ORDERED that the Report and Recommendation by Magistrate Judge Baxter is adopted as the opinion of this Court. This case is dismissed due to Plaintiff's failure to prosecute.

IT IS FURTHER ORDERED that the Clerk of Courts close this case.

S/ Sean J. McLaughlin
~~SEAN J. MC LAUGHLIN~~
UNITED STATES DISTRICT JUDGE